



The Commonwealth of Massachusetts

Department of Revenue

Leverett Saltonstall Building,

100 Cambridge Street, Boston 02204

L. JOYCE HAMPERS
COMMISSIONER

April 16, 1981

You inquire as to the computation of the sales tax when a restaurant offers its customers two meals for the price of one. The restaurant does not require the customer to present a coupon, certificate or other consideration.

Massachusetts General Laws Chapter 64H, Section 1(14) defines "sales price" as "the total amount paid by a purchaser to a vendor as consideration for a retail sale, valued in money or otherwise."

Based on the foregoing it is ruled that where a restaurant sells two meals for the price of one, and the customer is not required to present a coupon, certificate, or other consideration, the sales price subject to Massachusetts tax is the actual amount paid.

If, however, to receive two meals for the price of one, the customer must present a coupon or certificate, such as a certificate demonstrating membership in a dining club, such coupon or certificate is part of the consideration for the purchase of two meals and the sales tax is levied on the usual sales price of the two meals.

Very truly yours,

A handwritten signature in cursive script, appearing to read "L. Joyce Hampers".

Commissioner of Revenue

LJH:RSF:mf

LR 81-32